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Letter dated 27 September 2012 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith Eritrea's response to the report of the Monitoring Group on Somalia and Eritrea dated 13 July 2012 (see S/2012/545) (see annex).

I would be most grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and circulated as a document of the Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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Annex to the letter dated 27 September 2012 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Eritrea's response to the report of the Monitoring Group on Somalia and Eritrea

Eritrea had presented its preliminary views on the report of the Monitoring Group on Somalia and Eritrea (see S/2012/545) to the members of the Security Council Committee during an informal consultation that was held on 13 July 2012. At this particular juncture, Eritrea wishes to formally register its profound concerns about the contents of the report, which contains information that is clearly beyond the mandate of the Group and continues to falsely accuse the Government of Eritrea for violations that are not substantiated with solid evidence.

At the outset, Eritrea wishes to express its disappointment at the decision made to deny it a copy of the report at the time of its issuance on 26 June. As the accused party, Eritrea has the inalienable right to respond to allegations made by the Group. To exercise this right, Eritrea should have been provided with all the relevant documents that purport to establish its culpability. However, in the case of the reports of the Monitoring Group, which are almost always leaked to the press even before the Security Council considers them, including the current one, the pattern has invariably been to block Eritrea's access to the accusations levelled against it. This contravenes the fundamental legal principle of the "equality of arms".

Apart from the legal dimension of the matter, one wonders why unwarranted pressures are exerted to deny Eritrea access to the reports if their contents were really the product of rigorous, professional, balanced and verifiable investigative processes? The inordinate secrecy that has shrouded the reports cannot be explained by exigencies of "confidentiality", although this may conceivably be invoked to conceal the real truth. The real reason lies in the fact that the accusations are essentially political and are not based on solid evidence. In the circumstances, Eritrea deplores this untenable method and pleads for appropriate remedial action by the Security Council.

With respect to the substance of the report, many of the issues raised in the latest report are not new but simple regurgitations of innuendos peddled in earlier reports. These refer to: the 2 per cent recovery tax; revenue from mining; Eritrea's "continued involvement in harbouring, training and financing armed opposition groups in the neighbouring countries, especially Ethiopia"; and Djiboutian prisoners of war.

Eritrea has adequately refuted these allegations in its earlier communications. To recap the salient points:

(1) The 2 per cent recovery and rehabilitation tax is levied in accordance with the legislative act of the National Assembly that was passed in 1994. One wonders why the Monitoring Group persists in its misnomer to dub it a "Diaspora tax", and in this particular report an "extraterritorial tax", when it knows full well that the correct appellation is "the 2 per cent recovery and rehabilitation tax". In any case, it must be acknowledged that the tax predates the baseless portrayal contrived now to link it with purported "acts of Government of Eritrea regional

destabilization". Revenues from this tax are not substantial and they are funnelled, as the proper appellation indicates, to developmental programmes in a country that had bled for three decades during the national war for liberation. The purpose of the "2 per cent recovery and rehabilitation tax" is similar to, and consonant with, the underlying objective of the ongoing initiative of the African Union and its member States to establish the African Institute for Remittances in partnership with the World Bank, the European Commission, the African Development Bank and the International Organization for Migration. The Final Declaration of the Global African Diaspora Summit, held in South Africa on 25 May of this year, emphasizes, in its Programme of Action, the need to "encourage civil society in the Diaspora and in Africa to support, advocate and mobilize resources for the development of Africa". In the event, the involvement of the Eritrean diaspora in the rehabilitation and development of Eritrea cannot be viewed differently. The developmental burden in Eritrea has not certainly been mitigated in the last 13 years of Ethiopian occupation of sovereign Eritrean territories and the myriad hostilities that principally emanate from United States Administrations. These taxes have never been enforced extraterritorially and they are not collected through "threats, harassment and intimidation against individuals concerned, or their relatives in Eritrea", as the report of the Monitoring Group falsely claims. Indeed, the presumed evidence of "coercive measures" of collection is based on interviews with "42 Eritreans living abroad". But is this a representative sample? Who are those interviewed? How can the Monitoring Group ascertain whether the testimonies are not lies peddled for political purposes? And how can the denial of services to those who fail to pay their tax obligations be misconstrued as harassment and intimidation?

Furthermore, it must be noted that Eritrea's detractors, particularly certain United States and Ethiopian officials, have always been obsessed with finding ways and means of stopping both remittances to individual households and the recovery tax. Indeed, during Ethiopia's third offensive against Eritrea in May 2000, some senior United States officials — the current United States Permanent Representative to the United Nations chief among them — were mulling over taking these precise unilateral measures. In that regard, this is what Jane Perlez reported in the 22 May 2000 edition of *The New York Times*: "... As the Ethiopians step up their assault by bombing targets near Eritrean Red Sea ports, the diplomats say they are still talking to both sides. But they are also considering more severe sanctions, like limiting the ability of the Eritreans to collect remittances from friends and relatives in the United States". So the theme remains constant;

(2) The "Monitoring Group" computes the presumed maiden earnings to the Government of Eritrea that may have accrued from the Bisha Mining Plant in 2011 and jumps the gun to recommend various intrusive measures ostensibly to ensure that "these revenues are not spent in violation of Security Council resolutions". The "Monitoring Group" does not provide a shred of evidence that the Government of Eritrea has in the past diverted revenues from mining to "acts of regional destabilization". It does not even care to know how the capital expenditure of the investment was financed. In any case, sheer speculation and groundless presumptions surely cannot be standards for imposing financial restrictions that impinge on a country's sovereign budgetary rights. And why single out the mining sector? Or are these unwarranted intrusive measures designed for creeping application to other prospective sectors in the Eritrean economy? Unless checked at

the outset, this perilous road will ultimately end up mortgaging the sovereign decisions of the country on budgetary and financial matters, and cannot possibly be justifiable or acceptable;

(3) The "Monitoring Group" finally admits that "it has no evidence to support the allegation of direct Eritrean support to Al-Shabaab during the current mandate". The admission is acknowledged with obvious resentment and uncalled-for caveats, omissions and "rationalizations". But it remains a very critical piece of information. It must be recalled that the principal reason why resolution 1907 (2009) was imposed against Eritrea in December 2009 was its presumed support to this particular group. The bogus accusation of Eritrea's "delivery of three planeloads of arms to Al-Shabaab through the town of Baidowa" was also deliberately peddled in November/December last year just weeks before the imposition of resolution 2023 (2011). In effect, the "Monitoring Group" does not have a case against Eritrea. Eritrea enjoys good-neighbourly ties with the Sudan, South Sudan, Uganda and Kenya, and remains committed to achieving better relations with others in the region on the basis of the accepted norms of good neighbourliness and mutual respect. Its border dispute with Djibouti is being addressed through a process that both parties have consented to. By the "Monitoring Group's" latest report, "Eritrea is a marginal actor in Somalia, with little, if any, influence, either positively or negatively on the course of events". So, how does the charge of "regional destabilization" hold? Why does the "Somalia Eritrea Monitoring Group" keep moving the goalpost to put new emphasis on Ethiopia? The Monitoring Group also alludes to the "continued relationship of Eritrea with arms dealers and facilitators in Somalia known to have provided services and support to Al-Shabaab". This is ridiculous, as it clearly contradicts the Monitoring Group's own earlier admission. It also magnifies the realization of the "Monitoring Group" that its case is hardly tenable;

(4) As addressed in previous communications, Eritrea is ready to discuss in good faith all pending issues with Djibouti within the framework of the Qatari facilitation process.

The Group's report contains new elements which need to be addressed.

(5) The Monitoring Group falsely accuses Eritrea of "violating the arms embargo through the smuggling of weapons and ammunition for commercial sale via Sudan to Sinai". The report heaps insult on General Teklay Kifle by alleging that he "receives at least US$ 3.6 million per year in proceeds". In its publication of 17 July 2012, *The Guardian* (United Kingdom of Great Britain and Northern Ireland) daily newspaper quotes a senior Israeli diplomat who categorically rejects the allegation of "Eritrean arms entering Sinai". He went on to say, "I served 17 years ago as ambassador to Ethiopia. One thing I learned in the region is that lying is a justified means to achieve greater opportunities." The Group's report is an attempt not only to create a wedge among friendly nations but also to unjustly penalize Eritrea by falsely linking it with several armed groups and countries that are at odds with certain members of the Council. This was manifestly clear in the Group's report of 2011. The arms smuggling that the Monitoring Group attributes to General Teklay is also mingled with "the more lucrative activity of human trafficking". As explained in detail in its previous response last year, Eritrea is the victim of organized and targeted human trafficking that has been pursued deliberately by its adversaries to weaken its human resources. The Government of

Eritrea has zero tolerance for such serious crimes. This stance of the Government is curiously reported in a leaked cable (Wikileaks) of the United States Embassy in Asmara dated 4 December 2008 and classified as "confidential" (08ASMRA575). There are individual criminals and fugitives from the law who are embroiled in this act and the Government of Eritrea is earnestly working to uproot the crime that affects its population, and this phenomenon, which impacts virtually all countries, cannot be viewed in isolation from the global context, which also requires a global response. The Monitoring Group, however, clearly lacks ingenuity in this regard when it tries to accuse the Government of Eritrea of a violation of the arms embargo, simultaneously claiming that it is also an accessory to human trafficking;

(6) The "Monitoring Group" gives away its game when it tries to associate Eritrea, albeit indirectly, with the killings of the tourists in Ethiopia on 17 January 2012. This is despite its earlier assertion, which reads: "The Monitoring Group has seen no evidence to suggest that the Government of Eritrea bears direct responsibility for the killings of Erta'Ale with respect to the planning or conduct of the operation." But then it speculates that since "Eritrea continues to host, train and support the Afar Revolutionary Democratic Unity Front (ARDUF), some recent ARDUF trainees may have been involved in the incident". How the "Monitoring Group" can deduce Eritrea's "indirect responsibility" from these flimsy circumstantial and speculative considerations is difficult to understand. The critical question is: does this emanate from professional ineptness and very low standards, or does it betray ulterior political motivations?

In Eritrea's view, the main reason why the Monitoring Group has invented this "remote" connection between Eritrea and the tragic episode in Erta'Ale is because it has instructions to absolve Ethiopia from its recent acts of regional destabilization by rationalizing its provocative acts of aggression against Eritrea. Indeed, what is curious in the report of the Monitoring Group is the total omission of any reference to the repeated and publicly announced attacks that Ethiopia has unleashed against Eritrea. As its unfounded but principal case regarding "Eritrea's role in destabilizing Somalia" has evaporated in thin air, the Group has changed tack to fabricate new allegations focused on Ethiopia. The problem with this narrative is Ethiopia's well-known practices and publicly stated agendas. Ethiopia is arming and supporting Eritrean armed groups; it pursues a policy of regime change; and it continues to occupy sovereign Eritrean territories in flagrant violation of international law. Ethiopia's elaborate policy of regime change in Eritrea was posted by Wikileaks from a secret cable of the United States Embassy in Addis Ababa dated 30 October 2007 (07ADDISABABA3198).

(7) The Monitoring Group asserts that the arms embargo has severely "affected the operational readiness of the Eritrean Air Force". On the one hand, this is not consonant with its accusations of Eritrea for violating the arms embargo through organized smuggling. But more importantly, one wonders why and for whom this information is proffered. Does an assessment of Eritrea's Air Force and the inclusion in the Monitoring Group's report of an aerial photographic analysis of the Eritrean Air Force really fall within its purview? Presenting an analysis of Eritrea's military capability and the locations of military bases and facilities is outside the mandate of the Group, and reporting such sensitive information amounts to acting like an intelligence arm for other States in the region and beyond, especially when one recalls that in the original accusations of Eritrea's destabilization of Somalia, the Air Force was not implicated in any way. And when

sovereign Eritrean territories remain occupied by a belligerent Ethiopia, which may be contemplating additional acts of aggression, is the Monitoring Group oblivious to Eritrea's legitimate rights of defence, as enshrined in Article 51 of the United Nations Charter?

Eritrea had registered, on various occasions and through several communications in the past, its strong reservations on the workings of the Monitoring Group, especially in regard to its untenable reliance on the testimonies of subversive groups and elements as well as other adversaries who harbour ill will towards the people and Government of Eritrea. As illustrated above, the latest report only reinforces our well-founded conviction about the lack of neutrality, integrity and professionalism of this Monitoring Group.

As Eritrea will continue to place importance on constructive engagement with the Security Council, it wishes to renew its earlier invitation for the Security Council Sanctions Committee to visit Eritrea for extensive discussions with the Government.

Eritrea also renews its consistent call upon the Security Council to lift the unjust and unfair sanctions imposed on the country, as:

(1) The initial and principal accusation concerning Eritrean support to Al-Shabaab has now been proven to be non-existent;

(2) Eritrea remains committed to the facilitation by the State of Qatar to overcome its differences with the Republic of Djibouti;

(3) The events over the past year have clearly shown that it is in fact Ethiopia that is actively engaged in destabilizing Eritrea in addition to its continued occupation of sovereign Eritrean territory in violation of the United Nations Charter;

(4) Eritrea enhances its positive contributions to regional peace and security.

It is Eritrea's sincere hope that the Security Council will seriously consider the matter at the earliest possible time in the interest of promoting peace and security in the region.